

Amendment Filed: July 30, 2004
Application No. 09/629,051 to Spielman et al.

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested. Claims 1, 6, 7, 9, 10, 20, 25, 26, 28, 29, 30, 39, 44, 45, 47 and 48 have been amended. Claims 1-69 are pending in the application.

The Examiner noted that formal drawings have yet to be filed. Formal drawings will be filed once this application is allowed.

Claims 1, 20, 30, and 39 stand rejected under 35 U.S.C. 112, first paragraph. These claims have been amended to recite "multiple instances" of "the corresponding process" as defined at page 13, lines 3-18 of the specification and Figure 4. The dependent claims have been reviewed and revised accordingly. Therefore, the rejection should be withdrawn.

For the Examiner's convenience, Applicants would like to clarify the claimed terms "process" and "multiple instances" as used in the claims. As noted at page 10, lines 19-21 of the specification, a process may be implemented as executable routines within a server or distributed across multiple servers. Thus, a process refers to execution of a computer-readable medium. As noted at page 12, line 25 to page 13, line 18, "multiple instances" refers to the initiation or creation of multiple processes (i.e., multiple instantiations of the process) as load increases.

Claims 1-69 stand rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 6,463,464 to Lazaridis et al. in view of U.S. Patent No. 6,393,483 to Latif et al. With regard to this rejection, Applicants assume that the Examiner is rejecting claims 1-10, and 20-48 in view of the above combination of references, since claims 11-19 and 49-69 are not discussed in this rejection, but rather stand rejected based on a different combination of references. Also, the rejection of claim 36 relies on another reference, namely, Bezair. In any event, this rejection is respectfully traversed. The following is a comparison between the claims and the applied references.

With regard to claims 1, 20, 30 and 39, Applicants submit that Lazaridis fails to teach or suggest accessing a subscriber directory, according to a second open network protocol, for subscriber

attribute information specifying subscriber notification preference for the specified at least one notification recipient. The Examiner states that Lazaridis teaches at column 8, lines 6-38, "Accessing redirector program using second protocol for information specifying subscriber notification preference (trigger points) for specified notification recipient." The Examiner has conveniently omitted the term "open" (as required in the claims) in addressing "second protocol" of Lazaridis, since Lazaridis does not teach or suggest that the redirector program is accessed by an open protocol.

In response to Applicants' previous argument regarding this point, the Examiner merely states that, "Lazaridis shows TCP/IP for exchange of information throughout the networking process (col. 5 lines 64-col. 6 line 13)." However, TCP/IP is not discussed in Lazaridis with regard to accessing the redirecting program at column 8, lines 6-38, which the Examiner cites as teaching the claimed features. Lazaridis simply does not suggest accessing a sub-directory per a second open network protocol. Furthermore, the claims recite a first open network protocol and a second open network protocol which requires the two open network protocols to be independent and distinct. This is not taught or suggested by Lazaridis.

The Examiner admits that Lazaridis does not disclose "selecting process from a group of duplicate processes for sending notification information". The Examiner cites Latif as supplying the deficiencies of Lazaridis. The Examiner states that, "Latif shows a group of duplicate instances (ports) for running a process where in one is selected to execute the instance of the process (fig. 2 P1-P4, col. 5 lines 42-55)." The Examiner then contends that it would have been obvious to a person of ordinary skill in the art to modify Lazaridis in view of Latif to provide the feature of "selecting process from a group of duplicate processes for sending notification information."

Latif describes a hardware-based NIC having a plurality of ports. Applicants submit that the disclosure of multiple ports P1-P4 of Latif does not teach or suggest "multiple instances of the corresponding process" as defined in the claims as amended. Thus, Latif is non-analogous art and it is unreasonable to read instances of a process as hardware. An instance of a process is notoriously well

known in the art (and described above with regard to the specification) and means instantiation of executable code. Any other interpretation would be inconsistent with the interpretation that those skilled in the art would reach, and hence would be unreasonable. Cf. In re Cortright, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999). Furthermore, the broadest reasonable interpretation cannot be inconsistent with the specification, which illustrates the claimed multiple instances 12₁, 12₂, 12₃, (see, e.g., Figure 4). Hence, "claims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their 'broadest reasonable interpretation.'" MPEP § 2111.01 at 2100-37 (Rev. 1, Feb. 2000) (quoting In re Marosi, 218 USPQ 289, 292 (Fed. Cir. 1983)(emphasis in original)).

Still further, Latif, at column 5, lines 42-44, teaches away from multiple instances by reciting,

Preferably, the present invention uses a "single" instance of the smart NIC driver 126 to control each port of the multi-port NIC 130. In this manner, the operating system 124 is capable of interfacing with the smart NIC driver 126 to control the multiple ports of a multi-port NIC 130 in a manner that is transparent to the operating system 124. That is, although smart NIC driver 126 is controlling multiple ports to a single network, its interface with existing operating systems will be essentially identical to software drivers used to conventionally control data flow through a single port. Therefore, the smart NIC driver 126 is seamlessly able to communicate with any of the well established network protocols controlled by operating system 124, including TCP/IP, Netware and NetBEUI.

Thus, Latif needs a single instance of NIC driver 126 so as to interface with existing operating systems. Applicants submit that one of ordinary skill in the art would not look to the single instance of a NIC driver of Latif to modify Lazaridis to provide multiple instances of the corresponding process, with each instance configured for sending the notification information to the notification device according to the device protocol. Therefore, the rejection is improper and should be withdrawn.

With regard to claims 3, 22, 33 and 41, Lazaridis simply does not disclose LDAP at column 8, lines 6-38, which the Examiner cites in support of the rejection. Therefore, the rejection is improper and should be withdrawn.

Claims 11-19, and 49-69 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lazaridis et al. in view of Bezaire et al. This rejection is respectfully traversed.

With regard to independent claims 11, 49, 58 and 63, the Examiner has conveniently omitted the term “multiple” or “processes” in discussing the notification process of Lazaridis. In Lazaridis, a single redirection process 12 is initiated, not multiple processes as discussed more fully below. Furthermore, as noted above, Lazaridis fails to teach or suggest accessing a subscriber directory, according to a second open network protocol, for subscriber attribute information specifying subscriber notification preference information. Lazaridis does not teach or suggest that the redirector program is accessed by an open protocol.

The Examiner has not shown how Lazaridis could be modified to include the teachings of Bezaire and result in the claimed invention. Even if such a piecemeal modification were made, the combination would not result in the claimed invention. As noted above, Lazaridis does not teach or suggest initiating notification processes, or initiating multiple notification delivery processes. Bezaire does not teach initiating notification delivery processes (interpreted as service provider 22 by the Examiner) since only a single service provider 22 is disclosed. A service provider is simply not a process as defined in the specification.

With regard to claim 58, the combination of Lazaridis and Bezaire fails to teach or suggest a first server configured for first initiating multiple notification processes, each notification process configured for retrieving according to a first open network protocol a corresponding notification message from a corresponding primary message store, with each notification process configured for accessing a subscriber directory according to a second open network protocol for subscriber notification preference information, or a second parameter file entry configured for providing the

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notification source with destination address information for providing the notification messages to the primary message stores.

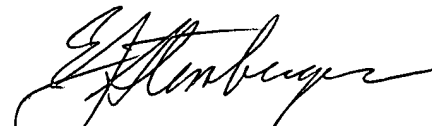
With regard to claims 14-17, 52, 66 and 67, Lazaridis does not teach creating third and fourth instances of the notification process (e.g., claims 14, 16) or initiating another instance of one of the notification delivery processes (e.g., claim 15). Lazaridis merely teaches that the triggers can be stored at each desktop system 10, 26 and 28 which could transmit the triggers to a server 11. Lazaridis simply does not teach initiating multiple instances of the redirection process.

With regard to claims 19, 57, 62, and 69, Lazaridis simply does not disclose LDAP at column 8, lines 6-38, which the Examiner cites in support of the rejection. Therefore, the rejection is improper and should be withdrawn.

For these and other reasons, the section 103 rejection of claims 1-69 should be withdrawn. In view of the above, it is believed this application is in condition for allowance, and such a Notice is respectfully solicited.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-1130, under Order No. 95-443, and please credit any excess fees to such deposit account.

Respectfully submitted,



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